

**DOCKED**  
AUG 12 2004

040 5273

**CIVIL ACTION NO.**

## Jury Trial Demanded

**JUDGE NORGLÉ**

MAGISTRATE JUDGE DENLOW

## 1-1

This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. ("Title VII"), and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex, race and retaliation and to provide appropriate relief to classes of employees who were adversely affected by such practices. Plaintiff Equal Employment Opportunity Commission ("EEOC") alleges that Cracker Barrel Old Country Store, Inc., CBRL GROUP, INC. and CBOCS West, Inc. (collectively "Cracker Barrel") subjected Hailey O'Connor, Leslie Lerche, Kris Mandeville, Valerie Sucich, Jeanne Burris, Kimberly Waterstraat, Tiffany Bernhard-Engstrom, Joanne Hubbard, Kerri McReynolds (collectively referred to hereafter as "Charging Parties"), and a class of female employees to harassment on the basis of sex. EEOC also alleges that Cracker Barrel subjected Charging Party Keyandez Hughes-Brooks and a class of African-American employees to harassment and different terms and conditions of employment on the basis of race, Black.

EEOC also alleges that Cracker Barrel subjected Charging Party Kimberly Waterstraat to harassment and different terms and conditions on the basis of race because of her association with an African-American employee. EEOC further alleges that Cracker Barrel retaliated against Charging Parties Jean Burris and a class of employees by subjecting them to different terms and conditions of employment. EEOC further alleges that Cracker Barrel constructively discharged Charging Parties Leslie Lerche, Jean Burris, Valerie Sucich, and a class of employees, in violation of Title VII.

### **JURISDICTION AND VENUE**

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3), and § 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A.

2. The employment practices hereafter alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Northern District of Illinois, Eastern Division.

### **PARTIES**

3. Plaintiff, the Equal Employment Opportunity Commission, is an agency of the United States of America charged with the administration, interpretation, and enforcement of Title VII and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. Section 2000e-5(f)(1) and (3).

4. At all times relevant, Defendants Cracker Barrel Old Country Store, Inc., CBRL GROUP, INC. and CBOCS West, Inc. (collectively "Cracker Barrel"), have continuously been doing business in the Northern District of Illinois and have continuously had at least fifteen employees.

5. At all times relevant, Cracker Barrel has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. Sections 2000e(b), (g) and (h).

#### **STATEMENT OF CLAIMS**

6. More than thirty days prior to the institution of this lawsuit, Charging Parties filed charges with the Commission alleging violations of Title VII by Cracker Barrel. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least January 1998, Cracker Barrel has engaged in unlawful employment practices at its Bloomington, Mattoon and Matteson, Illinois restaurants, in violation of Sections 701(k) and 703(a) of Title VII, 42 U.S.C. Sections 2000e(k) and 2(a). Such unlawful employment practices have included: 1) subjecting some Charging Parties and a class of female employees to harassment and a hostile work environment because of their sex, 2) subjecting some Charging Parties and a class of employees to different terms and conditions of employment and harassment based on race, Black, 3) retaliating against some Charging Parties and a class of employees by subjecting them to different terms and conditions of

employment, and, 4) constructively discharging some Charging Parties and a class of employees.

8. The effect of the practices complained of above has been to deprive Charging Parties, and a class of employees adversely affected by the discriminatory actions, of equal employment opportunities and otherwise adversely affect their status as employees because of their sex and/or race.

9. The unlawful employment practices complained of in paragraphs 7 and 8 above were intentional.

10. The unlawful employment practices complained of in paragraphs 7 and 8 above were done with malice or with reckless indifference to the federally protected rights of Charging Parties and a class of employees because of their sex (female) and race (Black).

#### **PRAYER FOR RELIEF**

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Cracker Barrel, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates because of sex and/or race.

B. Order Cracker Barrel to institute and carry out policies, practices and programs which eradicate the effects of its past and present unlawful practices.

C. Order Cracker Barrel to make whole Charging Parties and the affected classes by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment

practices, including reinstatement where appropriate.

D. Order Cracker Barrel to make whole Charging Parties and the affected classes by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7 and 8 above, including medical expenses, in amounts to be determined at trial.

E. Order Cracker Barrel to make whole Charging Parties and the affected classes by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraphs 7 and 8 above, including emotional pain, inconvenience, and humiliation, in amounts to be determined at trial.

F. Order Cracker Barrel to pay Charging Parties and the affected classes punitive damages for their malicious and reckless conduct described in paragraphs 7 and 8 above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest; and

H. Award the Commission its costs in this action.

**JURY TRIAL DEMAND**

The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

Eric S. Dreiband  
General Counsel

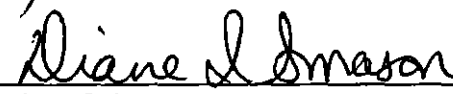
James Lee  
Deputy General Counsel

Gwendolyn Young Reams  
Associate General Counsel

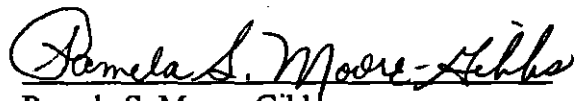
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Regional Attorney



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FILED-EDM  
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U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

DOCKETED  
AUG 12 2004

**Civil Cover Sheet**

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Northern District of Illinois.

**Plaintiff(s): U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION**

**Defendant(s): CRACKER BARREL OLD  
COUNTRY STORE, INC., CBRL GROUP, INC  
AND CBOCS WEST, INC.**

County of Residence:

County of Residence:

Plaintiff's Atty: Pamela S. Moore-Gibbs  
Equal Employment Opportunity  
Commission  
500 W. Madison, Suite 2800  
Chicago, IL 60661  
312-886-9120

Defendant's Atty:

**04C 5273**

II. Basis of Jurisdiction:

**1. U.S. Gov't Plaintiff**

**JUDGE NORGLE**

III. Citizenship of Principal  
Parties (Diversity Cases Only)

Plaintiff: - N/A

Defendant: - N/A

**MAGISTRATE JUDGE DENLOW**

IV. Origin :

**1. Original Proceeding**

V. Nature of Suit:

**442 Employment**

VI. Cause of Action:

**Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §  
2000e et seq. ("Title VII"), and Title I of the Civil Rights Act of 1991  
to correct unlawful employment practices on the basis of sex, race  
and retaliation.**

VII. Requested in Complaint

Class Action:

Dollar Demand:

Jury Demand: Yes

VIII. This case IS NOT a refiling of a previously dismissed case.

Signature:

*Pamela S. Moore-Gibbs 8/11/04*

*1-2*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

**EASTERN DIVISION**

**DOCKETS**  
**AUG 12 2004**

In the Matter of

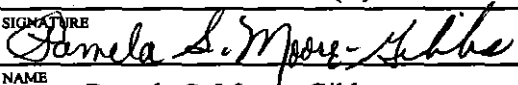
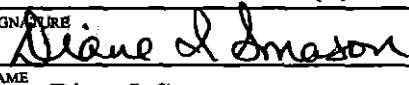
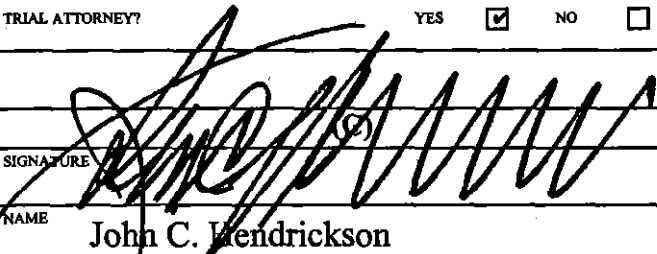
U.S. Equal Employment Opportunity Commission  
v.  
Cracker Barrel Old Country Store, Inc., CBRL Group, Inc.  
and CBOCS West, Inc.

**04C 5273**  
Case Number:

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:  
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**JUDGE NORGLE**

**MAGISTRATE JUDGE DENLOW**

(A)		(B)	
SIGNATURE 		SIGNATURE 	
NAME Pamela S. Moore-Gibbs		NAME Diane I. Smason	
FIRM Equal Employment Opportunity Commission		FIRM Equal Employment Opportunity Commission	
STREET ADDRESS 500 W. Madison, Suite 2800		STREET ADDRESS 500 W. Madison, Suite 2800	
CITY/STATE/ZIP Chicago, IL 60661		CITY/STATE/ZIP Chicago, IL 60661	
TELEPHONE NUMBER 312-886-9120	FAX NUMBER 312-353-8555	TELEPHONE NUMBER 312-353-7526	FAX NUMBER 312-353-8555
E-MAIL ADDRESS		E-MAIL ADDRESS	
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SIGNATURE 		DESIGNATED AS LOCAL COUNSEL? YES <input type="checkbox"/> NO <input type="checkbox"/>	
		(D)	
NAME John C. Hendrickson		NAME	
FIRM Equal Employment Opportunity Commission		FIRM	
STREET ADDRESS 500 W. Madison, Suite 2800		STREET ADDRESS	
CITY/STATE/ZIP Chicago, IL 60661		CITY/STATE/ZIP	
TELEPHONE NUMBER 312-353-8551	FAX NUMBER 312-353-8555	TELEPHONE NUMBER	FAX NUMBER
E-MAIL ADDRESS		E-MAIL ADDRESS	
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